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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/757,462	01/15/2004	Tadashi Morita	VX032585	5062

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EXAMINER
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LUU, MATTHEW

ART UNIT	PAPER NUMBER
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3663

DATE MAILED: 02/01/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b> 10/757,462	<b>Applicant(s)</b> MORITA ET AL.	
	<b>Examiner</b> LUU MATTHEW	<b>Art Unit</b> 3663	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) ☒ Responsive to communication(s) filed on 01 September 2005.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) ☒ Claim(s) 1-13 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-13 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 15 January 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All    b) ☐ Some \* c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date <u>6/21/04</u> . | 6) <input type="checkbox"/> Other: _____  |

**DETAILED ACTION**

***Claim Rejections - 35 USC § 112***

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claims 2-5 and 7-13 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Regarding claim 2, line 3-5, and the limitation “when terminal is resold or transferred within the communication period” is unclear. This limitation fails to recite a positive claimed feature since it is unclear “when exactly” is the terminal resold or transferred. Accordingly, this limitation fails to define the metes and bound of the claimed invention.

Regarding claim 3, lines 3-4, and the limitation “prior to the resale or transfer will be used when the resale/transfer information is acquired” is unclear. This limitation fails to recite a positive claimed feature since it is unclear “when exactly” is the time “prior to the resale or transfer will be used”. It is also unclear “when exactly” is the terminal resold or transferred. Accordingly, this limitation fails to define the metes and bound of the claimed invention.

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Regarding claim 4, lines 3-5, it is unclear "when exactly" is "when it acquires the necessity information indicating that information prior to the resale or transfer is needed". Accordingly, this limitation fails to define the metes and bound of the claimed invention.

Claim 5, line 2, "whichnotifies" should be - - which notifies --. And lines 4-5, it is unclear what exactly is "a predetermine period prior to the expiration of the communication period has passed".

Dependent claims 7-13 are considered rejected for incorporating the defects from their respective parent claims by dependency.

### ***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claim 1 is rejected under 35 U.S.C. 102(e) as being anticipated by Obata et al (US 2002/0123840).

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Regarding claim 1, Obata discloses (Fig. 1) a traveling machine management system comprising:

a terminal (vehicle terminal 100) provided on a traveling machine (shipping truck); and

a server (information center 200) connected to the terminal through a communication channel (vehicle terminal communication server 220 and router 240) for managing the traveling machine (shipping truck) (Section 26).

Obata further discloses (Fig. 4) the terminal having a unique identifier (vehicle number or ID) (Sections 26 and 27).

Obata also discloses (Figs. 5 and 6) the server has means (display screen) which acquires the identifier of the terminal (vehicle number or ID) and means (control center 200) which manages a communication period of the terminal based on the acquired identifier (Section 28, "a fixed time interval position reporting mode" is the claimed communication period.)

### ***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 2-5, 8, 10 and 12, as best understood, are rejected under 35 U.S.C. 103(a) as being unpatentable over Obata et al (US 2002/0123840).

Regarding claim 2, note the rejection as set forth above with respect to claim 1.

Obata further discloses (Fig. 1) the server (information center 200) has means (monitor server 210 and vehicle terminal communication server 220) for acquires transfer information on the terminal.

Furthermore, the type of information being transferred is not critical to the function of the system since the type of data being used or transferred is a non-functional descriptive material. Furthermore, the limitation "when terminal is transferred within the communication period" is unclear. This limitation fails to recite a positive claimed feature since it is unclear "when exactly" is the terminal transferred. Accordingly, this limitation fails to define the metes and bound of the claimed invention.

Obata does not explicitly teach "means which rewrites information on the terminal accumulated in the server and/or the terminal".

However, since Obata teaches (Fig. 6, sections 35-36) the GPS position information is transferred back and forth between the vehicle terminal (100) and the server (information center 200), it would have been obvious to a person of ordinary skill in the art to recognize that the GPS position information can be rewrote or updated every time the position of the vehicle is changed or updated.

Regarding claim 3, Obata discloses (Fig. 1) the server (center information 200) has means (vehicle terminal communication server and database 230), which inquires information prior to transfer (settings information, position information).

Furthermore, the limitation “prior to the transfer will be used when the transfer information is acquired” is unclear. This limitation fails to recite a positive claimed feature since it is unclear “when exactly” is the time “prior to the transfer will be used”. Furthermore, this limitation is also only an intended use recitation.

Regarding claim 4, as best understood, Obata discloses (Fig. 1) the server (center information 200) has means (vehicle terminal communication server and database 230), which inquires the necessary information such as the vehicle number or position prior to transfer.

Regarding claim 5, Obata discloses (Fig. 3) the terminal (100) notifies (reports) to the server (200) of the fact that a predetermined period of the communication period has passed (S300 and S400) (Section 28, lines 8-15).

Obata fails to teach the server has means to notify the terminal, instead of the terminal notifies the server when the communication period has expired. However, it is well known in the art that in the networking system, both the server and client can transfer communication information back and forth to each other.

Claims 8, 10 and 12 are corresponding to claim 5, therefore, note the rejection as set forth above with respect to claim 5.

***Claim Rejections - 35 USC § 103***

Claims 6, 7, 9, 11 and 13 are rejected under 35 U.S.C. 103(a) as being unpatentable over Obata as applied to claims 1 and 2 above, and further in view of Gray et al (4,651,157).

Regarding claim 6, Obata further discloses (Fig. 1) the vehicle terminal (100) has means (GPS), which acquires the current position of the traveling machine (truck) carrying the terminal (100).

The server (200) has means (monitoring sever 210 and database 230), which acquires the current position information output by the terminal (100).

Obata fails to teach the server outputs alarm information when the terminal is outside a preset range.

However, Gray discloses (Figs. 1 and 2) a well-known security monitoring and tracking system for vehicle based on the range of distant radius (Column 3, lines 15-28 and column 4, lines 15-27).

Therefore, since Obata also teaches his "system of reporting positions at specified time intervals when the vehicle is outside the maximum defined radius from the delivery site is called a fixed time interval position reporting mode." (Page 3, second column, lines 1-10), it would have been obvious to use the security and alarming system of Gray into the traveling machine management system of Obata to provide a more effective security monitoring and vehicle tracking system.



Claims 7, 9, 11 and 13 are corresponding to claim 6, therefore, note the rejection as set forth above with respect to claim 6.

### ***Conclusion***

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

-Minami et al (US 2005/0096836) disclose a vehicle operation information management system.

-Song et al (US 2003/0163233) disclose an automatic vehicle management apparatus and method using wire and wireless communication network.

-Sugimoto et al (6,687,608) disclose an information notification system includes a notifying device (display device), which notifies the user of the selected action information, thereby permitting successively notifying the user of destination and action instructions.

-Hisano et al (US 2004/0204032) disclose (Fig. 4) for each serial number of the available ID, the status of usage, the specific number of the wireless communication terminal being in use and the expected time at which the usage will be finished, are managed and stored.

-Yamamoto et al (US 2003/0109265) disclose a positional information service server.

-Ehrman et al (US 2003/0195825) disclose a system and method for managing remotely and distantly located assets.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to LUU MATTHEW whose telephone number is (571) 272-7663. The examiner can normally be reached on Flexible Schedule.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, JACK KEITH can be reached on (571) 272-7663. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

M. Luu

A handwritten signature in black ink, appearing to read 'Matthew Luu', with a large, stylized initial 'M'.

**MATTHEW LUU  
PRIMARY EXAMINER**